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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,032	12/11/2003	David S. Zakrewski	H0006444 (17173)	8767

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HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

EXAMINER

CHARIOUI, MOHAMED

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/734,032

Applicant(s)

ZAKREWSKI, DAVID S.

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Ratent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller et al. (U.S. Patent No. 5,905,431).

**As per claim 1**, Mueller et al. teaches a transmitter and a control for controlling the transmitter to transmit a signal to the motion detector, A controller for controlling the transmitter transmits a signal for adjusting the sensitivity of the motion detector (see col. 3, line 44 to col. 4, line 15; col. 5, lines 20-38; and col. 9, lines 16-63).

**As per claim 2**, Mueller et al. further teaches a user interface device for receiving a user command (see col. 6, lines 44-52).

**As per claim 3**, Mueller et al. further teaches that the user command sets a schedule for controlling the sensitivity of the motion detector (see col. 2, lines 11-19).

**As per claims 4, 6 and 7**, Mueller et al. further teaches that the user command sets a sensitivity level for the motion detector (see col. 9, lines 27-37).

**As per claim 5**, Mueller et al. further teaches that the signal for adjusting the sensitivity of the motion detector comprises a command to change a pulse count of the motion detector (see col. 4, lines 30-50).

**As per claim 8**, Mueller et al. further teaches that the signal is a wireless signal (see col. 3, lines 47-67).

**As per claims 9 and 10**, Mueller et al. further teaches a portable housing in which the transmitter and control are provided (see col. 4, lines 51-67 and Fig. 1).

**As per claim 11**, Mueller et al. further teaches a battery provided in the portable housing for powering the control and transmitter (see col. 11, lines 2-12 and Fig. 1).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedrosian (U.S. Patent No 5,565,844) in view of Featherston et al. (U.S. Patent No. 5,898,170).

**As per claims 1 and 8**, Bedrosian teaches a transmitter and a control for controlling the transmitter to transmit a signal to the motion detector (see col. 2, lines 18-26).

Bedrosian does not teach that the transmitter transmits a signal for adjusting the sensitivity of the motion detector.

Featherston et al. teach this feature (see col. 2, lines 42-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Featherston et al.'s teaching into Bedrosian's teaching because the correct

sensitivity level of the motion detector would be chosen. Therefore, the proper functionality of the motion detector would be achieved.

**As per claims 2 and 7**, Bedrosian further teaches a user interface device for receiving a user command, wherein the control is responsive to the user command received by the user interface device for controlling the transmitter to transmit the signal for adjusting the sensitivity of the motion detector (see col. 2, lines 41-53 and col. 3, line 64 to col. 4, line 26).

**As per claim 3**, Bedrosian further teaches that the user command sets a schedule for controlling the sensitivity of the motion detector (see col. 2, lines 41-53).

**As per claim 4**, Bedrosian further teaches that the user command sets a sensitivity level for the motion detector (see col. 4, line 56 to col. 5, line 4).

**As per claim 5**, Bedrosian further teaches that the signal for adjusting the sensitivity of the motion detector comprises a command to change a pulse count of the motion detector (see col. 5, lines 44-54).

**As per claim 6**, Bedrosian further teaches that the signal for adjusting the sensitivity of the motion detector comprises a command to change an optical gain of the motion detector (see col. 3, lines 4-23 and col. 4, lines 26-49).

**As per claims 9 and 10**, Bedrosian further teaches a portable housing in which the transmitter and control are provided (see col. 2, lines 33-41; col. 4, lines 26-35; and col. 4, line 56 to col. 5, line 4).

**As per claim 11**, Bedrosian further teaches a battery provided in the portable housing for powering the control and transmitter (see col. 2, lines 14-18 and col. 6, lines 12-16).

**As per claims 12, 14, 15, 16, 18 and 19**, Bedrosian further teaches a component for sensing electromagnetic radiation that is indicative of the presence of a living being (see col. 2, lines 18-26 and col.4, line 57 to col. 5, line 4), a control responsive to the component for determining, in accordance with the sensed electromagnetic radiation, whether to trigger a signal indicating that the living being has been detected (see col.4, line 57 to col. 5, line 4); and a receiver for receiving a remotely-generated signal of the motion detector, wherein the control is responsive to the remotely-generated signal with which the component senses the electromagnetic radiation (see col.4, line 26 to col. 5, line 4).

Bedrosian does not teach that the generated signal is for adjusting the sensitivity of the motion detector.

Featherston et al. teach this feature (see col. 2, lines 42-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Featherston et al.'s teaching into Bedrosian's teaching because the correct sensitivity level of the motion detector would be chosen. Therefore, the proper functionality of the motion detector would be achieved.

**As per claim 13**, Bedrosian further teaches that the remotely-generated signal comprises a command to change an optical gain of the motion detector (see col. 3, lines 4-23 and col. 4, lines 26-49).

**As per claim 17**, Bedrosian further teaches remotely-generated comprises a command to change a pulse count of the motion detector (see col. 5, lines 44-54).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.


***Contact information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

  
CAROL S.W. TSAI  
PRIMARY EXAMINER

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